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. . . though in many respects necessarily special in their character, . . . do not furnish just ground of complaint if they operate alike upon all persons and property under the same circumstances and conditions."

Statutes of a character similar to the one in *Shaver v. Pennsylvania Co.* have been sustained in *Hancock v. Taden*, 121 Ind. 366 (1890); *State v. Manufacturing Co.*, 18 R. I. 16 (1892); and *State v. Coal Co.*, 36 W. Va. 802 (1892); and this is believed to be the sounder and more satisfactory doctrine.

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**LIMITATION OF THE RIGHT OF SELF-DEFENCE.** — In the case of *Dabney v. State*, 21 So. Rep. 211, the Supreme Court of Alabama has placed a new restriction upon the right of self-defence. The trial judge instructed the jury, in a trial for murder, that if the defendant went to another's house, intending illicit intercourse with that other's wife, and armed himself, though merely for defence in case of attack, he was deprived of the right to kill in self-defence. The Supreme Court supports this position; in fact, the language of the court implies that in any case a man taken in adultery with another's wife cannot justify himself in killing the husband even in self-defence. There is no doubt that, if the defendant committed the wrongful act with the express purpose of creating an occasion for killing, he forfeited the right. In the absence of this express purpose the question is: Did the act amount in law to a provocation, and was the attack in fact provoked thereby? The court rightly answers, Yes. That the law recognizes adultery as provocation for an assault by the husband is shown by the fact that, if death results, the husband is held guilty not of murder but of manslaughter. It is a firmly established principle that he who provokes an attack is not justified in taking life to protect his own. Although in this case the defendant's motive was not to cause the affray, he voluntarily entered upon an act which the law holds to be a provocation, and which did in fact provoke the conflict that took place. Under these circumstances, the court was right in holding that he could not avail himself of the right of self-defence.

The court then proceeds to support the charge on other grounds: one who enters on a wrongful act, and contemplating interference on the part of another, arms himself with a deadly weapon, in order to take the other's life if necessary to save his own, is guilty of murder if he kills. This cannot be supported. The fact that the defendant armed himself merely in view of defending himself cannot militate against him, except as bearing upon his knowledge of the possibility of his being attacked. Does then the fact that a wrongdoer knows that his act may lead another wrongfully to attack him necessarily deprive him of the right of self-defence? It would seem that this can hardly be so. In applying the rule, confusion arises in many cases from a loose use of the word "provoke." If the defendant knew that trouble might arise, and yet persisted in his act, he might be said to have "provoked," in the sense of "given rise to," the affray. But did he in the legal sense provoke an attack? Was his act legally to be regarded as provocation of the murderous assault? Although not supported by the majority of the cases, the court of Kentucky is right in saying that a defendant killing in self-defence is not guilty unless he made it necessary or excusable for the deceased to put him in danger. *Thompson v. Commonwealth*, 26 S. W. Rep. 1100. The conviction here was rightly affirmed, not because the defendant armed himself against a

probable attack in the course of his wrongdoing, but because his wrong was a provocation of the attack upon him.

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GREAT ENGLISH JUDGES. — LORD CHANCELLORS. — “The golden period of equity” is the phrase often used in describing the years from 1737 to 1756, when Philip Yorke, Lord Hardwicke, was the presiding genius in the Court of Chancery. He disposed of the many causes which came before him with a rapidity and accuracy which gave wide satisfaction, and in so doing laid down general principles which “perfected English equity into a symmetrical system.” Lord Hardwicke’s manner in court approached the ideal. A patient, eager listener, willing to be instructed by counsel, and giving his undivided attention to the argument, he made up his mind only after hearing both sides, and expressed his opinions in carefully prepared written judgments. A pure and fearless judge, he had a sincere passion to advance the science of law. As a man, Lord Hardwicke is scarcely so much to be admired. Determined to get on in the world, from early youth he was relentlessly successful. No failures and no follies mark his steady advance along the path to the Woolsack through the positions of Solicitor General, Attorney General, and Chief Justice of the King’s Bench. He seems to have resolutely shut out from his life all which could not aid his ambition. Avaricious, arrogant in society, he forgot his own humble birth, he forgot old friends who had helped him, and sought and cared only for the rich and the great. In politics Hardwicke was a Whig, and was almost as able as a statesman as he was splendid as a judge. During Newcastle’s ministry he was virtually the head of the nation. Lord Hardwicke was strikingly handsome, and to his personal attractiveness much of his early success was due.

A small, well-featured man, sitting on the bench with an air of dignified repose which did not betray that he was paying little attention to the rambling and unchecked arguments of the counsel before him; patiently amusing himself with his private correspondence till the causes of the day were over, then taking all the papers involved to be considered at his leisure; finally, having been at greatest pains and labor to reach a decision in each case, delivering, often years after the cause was first heard, judgments which were generally spoken without the aid of a single note; — such was perhaps the most famous of Chancellors, John Scott, Lord Eldon. With the exception of the year 1806, he presided in Chancery from 1801 to 1827. His prevailing characteristics as a judge were a sincere desire to do justice between man and man and an almost exaggerated fear of erring either as to law or facts. Although, combined with his naturally dilatory habits, these attributes made the delays in Chancery matter of common reproach and ridicule, they resulted in an almost unbroken line of fair and correct decisions. Lord Eldon’s private life was not lacking in romantic incident. He came from a poor and humble family, narrowly escaped first the career of a coal-fitter, and later that of a country parson; he eloped with his wife in genuine story-book fashion, taking her from her second story window by means of a ladder one dark night; and he finally became a master of English law by hard and unrelenting study. Eldon was, however, versed only in law. He knew nothing of general literature, had no imagination or artistic sense, and when not attending to state or judicial business preferred the society of his inferiors to that of men and women of wit and understanding. As a